

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

Case No. 8-16-bk-00033-CPM
Chapter 13

Stuart Joseph Selvaggi

Debtor.

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**TRUSTEE'S UNFAVORABLE RECOMMENDATION
AND OBJECTIONS TO CONFIRMATION OF THE PLAN**

TO: Clerk, United States Bankruptcy Court

1. The Debtor's Petition for Relief to Chapter 13 was filed on January 05, 2016.
2. Trustee's Recommendation to the Court. The Trustee cannot recommend confirmation of the Chapter 13 Plan at this time for the following reason(s):
 3. It does not appear that the Debtor has dedicated all disposable income to the proposed Plan as required by 11 U.S.C. §1325(b)(1)(B).
 - a. The Trustee hereby requests/has requested the following additional documents pursuant to the District-wide Amended Administrative Order Prescribing Procedures for Chapter 13 Cases (FLMB-2015-8) to determine if the Debtor has dedicated all disposable income to the Plan: income tax returns, 2015; pay stubs for months of February, March, and April 2016; copies of all bank account statements for months of January, February, March and April of 2016; other: proof of all Homeowners' Association payments; profit and loss statements, July 2015 through December 2015.
 - b. The Debtor must file an Amended Schedule I accurately reflecting their present income.
 - c. Pursuant to the District-wide Amended Administrative Order Prescribing Procedures for Chapter 13 Cases (FLMB-2015-8), the Debtor must provide complete copies of all tax return(s) to the Trustee's office within 14 days of filing the return; and all tax refunds shall be turned over to the Trustee, in addition to the regular monthly plan payments, beginning with the tax year 2015. **The Debtor shall spend no tax refund without prior court approval.**
 4. The Plan violates 11 U.S.C. §1325(a)(4) because it does not pay unsecured creditors the value of what they would receive in a case under Chapter 7.
 - a. The Trustee hereby requests/has requested the following additional documents pursuant to the District-wide Amended Administrative Order Prescribing Procedures for Chapter 13 Cases (FLMB-2015-8) to determine if the Debtor has met the best interests of creditors test: income tax returns 2015; copies of all bank account statements as of petition date for six months prior to filing; copy of vehicle registrations; utility bills, July 2015 through December 2015; and proof of rental listed for Florida property.
 - b. The Debtor has not listed the following property on Schedule B: all bank accounts, ARIO receivable; 401(k).

c. The Trustee is uncertain that the value of certain assets listed on Schedules A and/or B is correct. Unless otherwise agreed, the Debtor must obtain an appraisal of the assets pursuant to the District-wide Amended Administrative Order Prescribing Procedures for Chapter 13 Cases (FLMB-2015-8).

5. To meet the requirements of 11 U.S.C. §1325(a)(4) and/or 11 U.S.C. §1325(b)(1)(B), the Debtor must dedicate a claim/lawsuit to the Plan.

6. An Amended Plan must be filed because:

a. The Plan is unclear as to the treatment of all creditors;

b. The Plan payments do not provide for sufficient money to fund the Plan.

7. It appears that this case is a business case and the Chapter 13 Trustee's office has and may further investigate the Debtor's business.

/s/ Jon M. Waage
Jon M. Waage
Chapter 13 Standing Trustee
P.O. Box 25001
Bradenton, Florida 34206
Phone: (941) 747-4644
FAX: (941) 750-9266

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Unfavorable Recommendation and Objections to Confirmation of the Plan has been furnished electronically and/or by First Class U.S. Mail to **Stuart Joseph Selvaggi, Self-represented**, Debtor, 8410 66th Way North, Pinellas Park, FL 33781, and the **U.S. Trustee**, 501 East Polk Street, Suite 1200, Tampa, Florida 33602 on this 27th day of May, 2016.

/s/ Jon M. Waage

JMW/KRM/phl